

REMARKS

Claims 1 – 14 are pending. Claims 1 – 3 and claims 8 – 14 stand rejected. Claims 4 – 7 are objected to. Claims 1, 4 – 8, 10, and 12 – 14 are amended herein.

Claims 1 – 14 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 – 14 and 19 – 28 of U.S. Pat. No. 6,858,697 ("697 Patent"). The '697 patent is commonly owned by the assignee of the present application or Air Products and Chemicals, Inc. In the present amendment and response, Applicants are submitting a terminal disclaimer along with the present amendment and response. Applicants respectfully request the removal of the double patenting rejection of these claims.

Claims 1 – 14 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 7, 9 - 20 and 23 of U.S. Pat. Appl. No. 10/650,282 ("282 Appl."). Applicants respectfully request the removal of the double patenting rejection of the present claims and believe that the obviousness-type double patenting rejection may be in error. The '282 Appl. is not commonly owned by the assignee of the present application or the '697 patent. Further, the '282 Appl. was filed on Aug. 28, 2003 which was after the filing date of the present application, or June 23, 2003, and the filing date of its parent application, the '697 patent, or Dec. 21, 2001. The '282 Appl. states that it is a continuation-in-part (CIP) of U.S. Pat. Appl. No. 10/015,326 filed on Dec. 13, 2001 (or U.S. Publ. Appl. 2003/0116421) and a CIP of U.S. Pat. Appl. No. 10/301,109 (or U.S. Publ. Appl. 2004/0102006) filed on Nov. 12, 2002. However, neither of the CIP applications cited in the '282 Appl. disclose the use of free radical scavengers such as, for example, phenols to stabilize a cyclotetrasiloxane against polymerization such as, for example, 1,3,5,7-tetramethylcyclotetrasiloxane; therefore, the '282 Appl. is not entitled to the earlier priority dates. U.S. Pat. Appl. No. 10/015,326 discloses the use of phenol as one of a variety of azeotropic agents that is used to "to reduce the concentration of water in at least cyclosiloxane precursor and optionally at least one other impurity selected from acidic and basic impurities"; however the phenol is physically separated from the siloxane in a separate vessel and is not available to stabilize it (see, for example, para. [0063]). Since the present application and its parent have an earlier filing date than the '282 Appl., and the CIP applications that the '282 Appl. cite as CIP applications do not disclose the use of free radical scavengers to stabilize a cyclotetrasiloxane, Applicants respectfully request the removal of the rejections of the claims.

Claim 1 and claims 2-3 which depend therefrom, claim 8 and claim 9 which depends therefrom, claim 10 and claim 11 which depends therefrom, 12, 13, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated or being rendered obvious by U. S. Pat. No. 5,118,735 ("735 Patent). The Examiner has stated that these rejections are similar to that made during the prosecution of the '697 Patent. In response, Applicants have amended claims 1, 8, 10, 12, and 13 in a manner similar to that of the '697 Patent. Support for these amendments is found in the specification, for example, at paragraph [0015]. No new matter has been entered in making these amendments. Applicants respectfully request the removal of these rejections in view of the amendments made herein.

Claims 4 – 7 were objected to as being based upon a rejected base claim but would be allowable if rewritten into independent form. Applicants have rewritten claim 4 to be in independent form. Claims 5 – 7 depend therefrom. Applicants respectfully request the entry of the amendments to claims 4 – 7 and the allowance of these claims.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned Attorney at the telephone number listed below.

Respectfully submitted,



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